

APPENDIX 1

For inspection purposes only.
Consent of copyright owner required for any other use.

**Seamus F. Maye
Culleenamore House
Culleenamore
Strandhill
Co. Sligo**

**Wexford County Council
Planning Department
County Hall
Wexford**

March 24th 2014

Re: Planning Application No. W2014009

Date of Application: February 19th 2014 Date Registered: February 19th 2014

Applicants Name: Faythe Harriers Hurling and Camogie Club

Dear Sirs,

We wish to register an objection / observation to the above referred Planning Application on the following grounds:

- (i) There is no address submitted for the Applicant, Faythe Harriers Hurling and Camogie Club, a requirement under the Planning and Development Act [Form No. 2 of Schedule 3, Planning and Development Regulations 2006]. Neither has an address been provided on the application form for the Person / Agent, acting on behalf of the Applicant.
- (ii) Neither the application form nor accompanying documentation indicate or acknowledge the existence of, or have regard to, the variety of protected sites in the vicinity of the proposed development. It is submitted that full account of the status (either proposed or designated NHA, SPA, SAC etc.) of the surrounding lands, should be taken into account in considering this planning application.
- (iii) From maps submitted with the planning application, it appears that the proposed development will contravene the Wexford Town and Environs Development Plan 2009-2015, in that it is proposed to carry out development in a manner that will prevent the construction of the indicative roadway, as passed by both Wexford Borough Council and Wexford Co. Co. in 2009.
- (iv) The proposed development appears to block / interfere with the use of a right of way claimed by CRH Plc through long usage. CRH Plc also claims to have transferred this right of way to successors in 2008. There is no evidence of the Applicant having obtained written consent to interfere with or block this claimed right of way from either CRH Plc or it's successors (notwithstanding that the existence of the right of way is disputed by other parties).
- (v) In its application, the Applicant has described itself as owner of the lands which are the subject of the proposed development. However, on maps submitted along with the application form, the Applicant describes itself as merely using these lands ("**Area used by Faythe Harriers**"). As a consequence of information that has recently come to light, we

submit that the latter is the more accurate description and that the "Legal Interest in the Land" should have been described on the application form as "Occupier".

The Applicant has not sought the consent of the legal owners of the former folios 21911, 9170 and 13209 in relation to the proposed development work nor has it offered any evidence of legal ownership of said lands, nor has it taken any steps to regularise its occupancy of same.

In addition to disputes arising in regard to land ownership involving the former folios 21911, 9170 and 13209, the proposed development appears to also encroach on folio 1618F. The ownership of folio 1618F is unclear. Whilst Wexford Co. Co. was recorded as the registered owner of this folio, it appears from documentation that has now come to light that ownership of this folio may have been ceded to CRH Plc. In any case, no consent for the proposed development appears to have been sought / obtained from either Wexford Co. Co. or CRH Plc.

Wexford Co. Co. is aware of the issues surrounding land ownership in the area. In the Council's Notice under Section 183 of the Local Government Act 2001, dated September 9th 2003, the Council states that it is seeking **"to regularise the situation which has arisen through complexities in establishing ownership of lands in the area"**.

As recently as December 7th 2011, acting Wexford County Manager, Mr. Adrian Doyle surreptitiously acknowledged that the lands at Park / Carcur (including lands, the subject of this application) were not owned by the G.A.A.

By letter dated January 15th 2004, Mr. Derry O'Sullivan, regional director of CRH Plc subsidiary, Roadstone Provinces, was seeking to have **"ownership of land over which new alignment of roads traverse, addressed"**.

From the above, it is clear that this planning application is both incomplete and inadequate and therefore does not meet with the requirements of the Planning and Development Acts. Moreover, Section 10 of the application is erroneous in so far as the applicant should have declared itself as "occupier" of said lands and consequently should have submitted a written consent from the owner/s.

We respectfully submit that this application must be refused.

Sincerely,

Seamus F. Maye

**Seamus F. Maye
Culleenamore House
Culleenamore
Strandhill
Co. Sligo
Ireland**

**An Bord Pleanala
64 Marlborough Street
Dublin 1**

April 30th 2014

Appeal to An Bord Pleanala

W2014009 Faythe Harriers Hurling and Camogie Club

Dear Sirs,

We wish to appeal the decision of Wexford County Council in relation to Planning Application W2014009 submitted by Faythe Harriers Hurling and Camogie Club. A decision to grant was made on April 4th 2014. The above named Seamus F. Maye of Culleenamore House, Culleenamore, Strandhill, Sligo is the appellant.

The said proposed development is located at Park Wexford at lands sometimes described as Pairc Charman. We enclose copy receipt from Wexford Co. Co. in relation to our objection / observation originally lodged, dated March 26th 2014.

It is our contention that the original planning application is invalid. We further contend that Wexford County Council did not consider any / all of the grounds of objection as submitted by us. We further contend that Wexford Co. Co. have a number of conflicts of interest with regard to said lands at Part and is / was hopelessly compromised in adjudicating on this application.

We originally objected on the following grounds:-

- (i) There is no address submitted for the Applicant, Faythe Harriers Hurling and Camogie Club, a requirement under the Planning and Development Act [Form No. 2 of Schedule 3, Planning and Development Regulations 2006]. Neither has an address been provided on the application form for the Person / Agent, acting on behalf of the Applicant.***
- (ii) Neither the application form nor accompanying documentation indicate or acknowledge the existence of, or have regard to, the variety of protected sites in the vicinity of the proposed development. It is submitted that full account of the status (either proposed or designated NHA, SPA, SAC etc.) of the surrounding lands, should be taken into account in considering this planning application.***
- (iii) From maps submitted with the planning application, it appears that the proposed development will contravene the Wexford Town and Environs Development Plan 2009-2015, in that it is proposed to carry out development in a manner that will***

prevent the construction of the indicative roadway, as passed by both Wexford Borough Council and Wexford Co. Co. in 2009.

- (iv) The proposed development appears to block / interfere with the use of a right of way claimed by CRH Plc through long usage. CRH Plc also claims to have transferred this right of way to successors in 2008. There is no evidence of the Applicant having obtained written consent to interfere with or block this claimed right of way from either CRH Plc or it's successors (notwithstanding that the existence of the right of way is disputed by other parties).*
- (v) In its application, the Applicant has described itself as owner of the lands which are the subject of the proposed development. However, on maps submitted along with the application form, the Applicant describes itself as merely using these lands ("Area used by Faythe Harriers"). As a consequence of information that has recently come to light, we submit that the latter is the more accurate description and that the "Legal Interest in the Land" should have been described on the application form as "Occupier".*

The Applicant has not sought the consent of the legal owners of the former folios 21911, 9170 and 13209 in relation to the proposed development work nor has it offered any evidence of legal ownership of said lands, nor has it taken any steps to regularise its occupancy of same.

In addition to disputes arising in regard to land ownership involving the former folios 21911, 9170 and 13209, the proposed development appears to also encroach on folio 1618F. The ownership of folio 1618F is unclear. Whilst Wexford Co. Co. was recorded as the registered owner of this folio, it appears from documentation that has now come to light that ownership of this folio may have been ceded to CRH Plc. In any case, no consent for the proposed development appears to have been sought / obtained from either Wexford Co. Co. or CRH Plc.

Wexford Co. Co. is aware of the issues surrounding land ownership in the area. In the Council's Notice under Section 183 of the Local Government Act 2001, dated September 9th 2003, the Council states that it is seeking "to regularise the situation which has arisen through complexities in establishing ownership of lands in the area".

As recently as December 7th 2011, acting Wexford County Manager, Mr. Adrian Doyle surreptitiously acknowledged that the lands at Park / Carcur (including lands, the subject of this application) were not owned by the G.A.A.

By letter dated January 15th 2004, Mr. Derry O'Sullivan, regional director of CRH Plc subsidiary, Roadstone Provinces, was seeking to have "ownership of land over which new alignment of roads traverse, addressed".

From the above, it is clear that this planning application is both incomplete and inadequate and therefore does not meet with the requirements of the Planning and Development Acts. Moreover, Section 10 of the application is erroneous in so far as the applicant should have declared itself as "occupier" of said lands and consequently should have submitted a written consent from the owner/s.

By way of further background, we should inform the Board that CRH Plc began negotiating with Wexford Co. Co. in relation to developing its lands (including, according to maps in our possession, the lands the subject of this application) as far back as May 2002 culminating in a contract being signed between CRH Estates and Wexford Co. Co. on June 25th 2007.

Throughout these prolonged negotiations, there was no consultation whatsoever with, or input from, the GAA / Faythe Harriers Hurling and Camogie Club, despite the "GAA / Somers Lands" being an integral part of the Park Action Area Development Plan. Mr. Adrian Doyle (former Wexford County Manager) stated in a letter dated December 7th 2011:- "**Wexford Co. Co. and CRH commissioned Murray O' Laoire & Co. to draw up a development plan for lands at Carcur in the ownership of CRH, Wexford Co. Co. and Wexford Borough Council**".

Further documentation in our possession indicates that CRH Plc and Wexford Co. Co. engaged in land swaps and financial transactions in relation to the lands at Park, including an agreement that Wexford Co. Co. would pay CRH Plc €2 million to construct a road that appears to traverses some of the disputed lands at Park, some of which are the subject of application W2014009.

In addition, Councillor Padge Reck states in his letter of March 23rd 2009 that:- "**these lands** (including the lands the subject of this application) **were transferred from the ownership of Roadstone to a consortium of people under the leadership of the former (Wexford) Co. Manager, Mr. Noel Dillon.** However, we should point out that CRH Plc denies that it ever owned or controlled any of the "GAA Lands" at Park.

Request for Oral Hearing:

In order to assist An Bord Pleanala with its deliberations, we provide copies of various documentation under Schedules 1 and 2. This documentation represents a sample of the documentation available in regard to the ownership history of these lands (the subject of this application). It will be clear from an examination of this documentation that Faythe Harriers Hurling and Camogie Club cannot be the legal owners of the land they themselves claim to be merely "using".

However, in order to clearly demonstrate this to An Bord Pleanala, we request an oral hearing to facilitate a full explanation of the land ownership issue and Wexford Co. Co.'s conflict of interest. We estimate that a full presentation will take up to three and a half hours from our side. **This in turn will enable us to demonstrate to the Bord that the original application is invalid.**

We enclose €270 being the fee of €220 for the appeal and €50 application fee for oral hearing.

Schedules 1 and 2:

In Schedule 2 we provide copies of three letters received from CRH Plc subsidiary Roadstone Wood, dated:-

- October 23rd 2013
- January 14th 2014
- February 10th 2014

In these letters CRH Plc deny any knowledge of the 1976 contract of sale and associated documentation. However, documents in Schedule 1 clearly show the existence of the 1976 contract and that it was, in fact, the relevant contract.

We have sent letters by registered post to several interested parties in an effort to regularise the position with regard to land ownership at Park but have received no response from any of the parties with the exception of CRH Plc.

The parties include:

- William Neville & Son's, apparent successors to CRH Plc in relation to certain lands at Park
- Cllr Anthony Dempsey, former trustee of lands the subject of this application, sitting Councillor and former Chairman of Wexford County GAA Board circa 1978-1982
- Mr. John Doyle (involved in the earlier land transactions)
- Mr. Brian Cleary (involved in the earlier land transactions)
- Mr. Nicky Keeling, Chairperson Faythe Harriers Hurling and Camogie Club
- Mr. William Murphy, Secretary Faythe Harriers Hurling and Camogie Club
- Detective Garda Alan Byrne, Wexford
- Superintendent Patrick Conlon, Wexford
- CRH Plc
- Mr. Liam O'Neill President and Mr. Paraic Duffy, Director General GAA, albeit as recently as April 24th last.

We have asked all of these parties for their assistance in resolving the various anomalies arising. We have emphasised that there may be simple answers or further documentation available that may assist in finally resolving the land ownership issues. We wish to emphasise that we are not making any allegations against any individual or body corporate, rather we have identified certain anomalies with regard to land ownership that require to be regularised.

The purpose of the material submitted in this appeal is to clearly establish that application W2014009 is invalid in that Faythe Harriers Hurling and Camogie Club are not the legal owners of the lands the subject of this application.

Further the application is invalid because no address was submitted for the Applicant (see (i) above). Neither does it appear that any consideration was given by Wexford Co. Co. to (ii) (iii) or (iv) above all of which are material to evaluating the application.

We submit that on any / all of these grounds, An Bord Pleanala ought to uphold our appeal and overturn the decision of Wexford Co. Co.

Sincerely,

Seamus F. Maye

**Seamus F. Maye
Culleenamore House
Culleenamore
Strandhill
Co. Sligo**

**Wexford County Council
Planning Department
County Hall
Wexford**

January 28th 2015

**Re: Planning Application No. 20141003
Date of Application: December 15th 2014
Date Registered: December 16th 2014
Applicants Name: Faythe Harriers Hurling and Camogie Club**

Dear Sirs,

We wish to register an objection / observation to the above referred Planning Application on the following grounds:

- (i) There is no address submitted for the Applicant, Faythe Harriers Hurling and Camogie Club, a requirement under the Planning and Development Act [Form No. 2 of Schedule 3, Planning and Development Regulations 2006].
- (ii) Neither the application form nor accompanying documentation adequately acknowledge the existence of, or have regard to, the variety of protected sites in the vicinity of the proposed development. We submit that full account of the status (either proposed or designated NHA, SPA, SAC etc.) of the surrounding lands, should be fully taken into account in considering this planning application.
- (iii) The assessment carried out in the Natura Impact Statement (confusing, see David Wall e-mail below) is wholly inadequate in that it sets out to establish pre-determined conclusions and is therefore not impartial (see Finding of no significant effects). Neither does the report detail construction environmental risks or any mitigation thereof but yet draws conclusions of "*no significant effects*".

Neither has the Natura Impact Statement as presented addressed construction impacts or risks of silted laden water entering the watercourses and into the SAC and SPA. Furthermore the NIS has not considered, addressed or otherwise acknowledged the proposed NHA 000712. Nor does the report address, review or survey flora or fauna in the proposed site area or in the wider vicinity.

We contend that the Natura Impact Statement should be impartial, it should review all of the risks to the SAC and SPA and proposed NHA, then present the

risks with whatever mitigation measures are proposed to control them. The document as presented to the Planning Authority in this instance does not do this and as a consequence is wholly inadequate.

- (iv) Section 17 on the application form asks whether the application relates to work within or close to a European site (under SI No. 94 of 1997) or a Natural Heritage Area. The applicant answers no. We submit that this answer is manifestly incorrect. Our examination of the file suggests that the proposed development is within 100 metres of the SAC and SPA. An otherwise detailed drawing which accompanies the application is incomplete and fails to show the proximity of these European sites to the proposed development.

In fact An Bord Pleanála states as follows in its decision to refuse the previous application (W2014009):-

“The Bord is not satisfied, in the light of the documentation submitted with the application and appeal, and the content of the inspector’s report, that the proposed site development works, including excavation of the bulk of the site by 0.75 metres, might not have the potential to impact upon nearby European sites”.

- (v) From maps submitted with the planning application, it appears that the proposed development will contravene the Wexford Town and Environs Development Plan 2009-2015, in that it is proposed to carry out development in a manner that will prevent the construction of the indicative roadway, as passed by both Wexford Borough Council and Wexford Co. Co. in 2009.
- (vi) The proposed development appears to block / interfere with the use of a right of way claimed by CRH Plc through long usage. CRH Plc also claims to have transferred this right of way to successors in 2008. There is no evidence of the Applicant having obtained written consent to interfere with or block this claimed right of way from either CRH Plc or it’s successors (notwithstanding that the existence of the right of way is disputed by other parties).
- (vii) In general, the accompanying documents and e-mails from the Applicant and the Planning Authority in relation to this application are confusing, badly constructed and deficient in content, making a detailed and knowledgeable examination of elements of the application extremely difficult. For example, an e-mail accompanying the application, dated December 17th 2014, from David Wall of the Planning Authority (Wexford Co. Co.) to Siobhan Fawsitt is very confusing and neglects the Applicant’s obligation to ensure that lay people / general public can easily interpret the intricacies of these aspects of the application.

The e-mail states:-

“Having reviewed the document titled “Natura Impact Statement”, I am satisfied that it is a Stage 1 Screening Report and should be called thus.....it is not a Natura Impact Statement.....A Natura Impact Statement is not required”.

- (viii) Requirement for Wexford Co. Co. to invoke Section 8 of the Planning and Development Act 2000, in circumstances where it is clear that there is a prima facie case, including largely uncontested documentary evidence of forgery, fraud and deceit in relation to title to lands, the subject of this application.

Many, if not all of the parties that could be expected to have information with regard to the land title anomalies have been asked to provide information and/or documentation that might assist in resolving the various anomalies but the various parties including the applicant (whom we have twice written to) have declined to assist or clarify.

In the unique circumstances of the present application, it appears that the applicant is quite simply not in a position to comply with Section 22 (1) (d) of Part 4 of the Planning Regulations, which state that the Applicant must *"state the legal interest of the applicant in the land or structure and, if the applicant is not the owner, state the name and address of the owner"*.

In these circumstances and in order to assuage potential exposure for Wexford Co. Co. going forward, we submit that, in the public interest, Section 8 (as above) be invoked by Wexford Co. Co (see below):-

"A local authority may, for any purpose arising in relation to its functions under this act or any other enactment, by notice in writing require the occupier of any structure or other land....to state in writing to the authority, particulars of the estate, interest, or right by virtue of which he or she occupies the structure or other land.....and the name and address (so far as they are known to him or her) of every person who to his or her knowledge has any estate or interest in, or right over, or in respect of, the structure or other land".

Further Detail re Land Title anomalies:

In its application, the Applicant has described itself as owner of the lands which are the subject of the proposed development. However, on maps previously submitted (see planning application W2014009) by the Applicant, the Applicant describes itself as merely using these lands (***"Area used by Faythe Harriers"***). We submit that the latter is the more accurate description and that the "Legal Interest in the Land" should have been described on the application form as "Occupier".

The Applicant has not therefore sought the consent of the legal owners of the former folios 21911, 9170 and 13209 in relation to the proposed development work nor has it offered any evidence of legal ownership of said lands, nor has it taken any steps to regularise its occupancy of same.

In addition to disputes arising in regard to land ownership involving the former folios 21911, 9170 and 13209, the proposed development appears to also encroach on folio 1618F. The ownership of folio 1618F is unclear. Whilst Wexford Co. Co. was recorded as the registered owner of this folio, it appears from documentation that has now come to light that

ownership of this folio may have been ceded to CRH Plc. In any case, no consent for the proposed development appears to have been sought / obtained from either Wexford Co. Co. or CRH Plc.

Wexford Co. Co. is aware of the issues surrounding land ownership in the area. In the Council's Notice under Section 183 of the Local Government Act 2001, dated September 9th 2003, the Council states that it is seeking **"to regularise the situation which has arisen through complexities in establishing ownership of lands in the area"**.

As recently as December 7th 2011, acting Wexford County Manager, Mr. Adrian Doyle surreptitiously acknowledged that the lands at Park / Carcur (including lands, the subject of this application) were not owned by the G.A.A.

By letter dated January 15th 2004, Mr. Derry O'Sullivan, regional director of CRH Plc subsidiary, Roadstone Provinces, was seeking to have **"ownership of land over which new alignment of roads traverse, addressed"**.

In further support of our request to invoke Section 8, we provide two document schedules:-

- Schedule 1: Sample documents with regard to Title anomalies.
- Schedule 2: Copies of three letters received from CRH Plc subsidiary Roadstone Wood, dated: - October 23rd 2013, January 14th 2014 & February 10th 2014.

In these letters CRH Plc inexplicably deny any knowledge of the 1976 contract of sale and associated documentation. However, documents in Schedule 1 clearly show the existence of the 1976 contract and that it was, in fact, the relevant contract as was the 1977 Deed of Transfer, which CRH Plc also denies knowledge of.

From all of the above, it is clear that this planning application is both incomplete, wholly inadequate and indeed invalid and therefore does not meet with the requirements of the Planning and Development Acts.

We respectfully submit that this application be refused.

Sincerely,

Seamus F. Maye

**Seamus F. Maye
Culleenamore House
Culleenamore
Strandhill
Co. Sligo
Ireland**

**An Bord Pleanala
64 Marlborough Street
Dublin 1**

March 9th 2015

Appeal to An Bord Pleanala

20141003 Faythe Harriers Hurling and Camogie Club

Dear Sirs,

Please see below our appeal together with Schedules 1-5.

1.1

We wish to appeal the decision of Wexford County Council in relation to Planning Application 20141003 submitted by Faythe Harriers Hurling and Camogie Club. A decision to grant was made on February 11th 2015. The above named Seamus F. Maye of Culleenamore House, Culleenamore, Strandhill, Sligo is the appellant.

The said proposed development is located at Park, Wexford at lands sometimes described as Pairc Charman. We enclose copy receipt from Wexford Co. Co. in relation to our objection / observation originally lodged, dated January 28th 2015.

It is our contention that the original planning application is invalid. We further contend that Wexford County Council did not consider any / all of the grounds of objection as submitted by us. We further contend that Wexford Co. Co. continue to have a number of conflicts of interest with regard to said lands at Park and is / was hopelessly compromised in adjudicating on this application.

1.2

The original grounds for our submission / observation are repeated below and we hereby submit these grounds to An Bórd Pleanala as part of our appeal against the decision of Wexford Co. Co, dated February 11th 2015.

- (i) There is no address submitted for the Applicant, Faythe Harriers Hurling and Camogie Club, a requirement under the Planning and Development Act [Form No. 2 of Schedule 3, Planning and Development Regulations 2006].
- (ii) Neither the application form nor accompanying documentation adequately acknowledge the existence of, or have regard to, the variety of protected sites in the vicinity of the proposed development. We submit that full account of the status (either proposed or

designated NHA, SPA, SAC etc.) of the surrounding lands, should be taken into account in considering this planning application.

- (iii) The assessment carried out in the Natura Impact Statement [this is extremely confusing, see David Wall e-mail below, part (vii)] is wholly inadequate, in that it sets out to establish pre-determined conclusions and is therefore not impartial (see finding of no significant effects). Neither does the report detail construction environmental risks or any mitigation thereof but yet draws conclusions of “no significant effects”.

Neither has the Natura Impact Statement, as presented, addressed construction impacts or risks of silt laden water entering the watercourses and the SAC and SPA. Furthermore the NIS has not considered, addressed or otherwise acknowledged the proposed NHA 000712. Nor does the report address, review or survey flora or fauna in the proposed site area or in the wider vicinity.

We contend that the Natura Impact Statement should be impartial, it should review all of the risks to the SAC and SPA and proposed NHA, then present the risks with whatever mitigation measures are proposed to control them. The document as presented to the Planning Authority in this instance does not do this and as a consequence is wholly inadequate.

- (iv) Section 17 on the application form asks whether the application relates to work within or close to a European site (under SI No. 94 of 1997) or a Natural Heritage Area. The applicant answers no. We submit that this answer is manifestly incorrect. Our examination of the file suggests that the proposed development is within 100 metres of the SAC and SPA. An otherwise detailed drawing which accompanies the application is incomplete and fails to show the proximity of these European sites to the proposed development.

In fact An Bord Pleanála states as follows in its decision to refuse the previous application (W2014009) on September 1st 2014:-

“The Bord is not satisfied, in the light of the documentation submitted with the application and appeal, and the content of the inspector’s report, that the proposed site development works, including excavation of the bulk of the site by 0.75 metres, might not have the potential to impact upon nearby European sites”.

- (v) From maps submitted with the planning application, it appears that the proposed development will contravene the Wexford Town and Environs Development Plan 2009-2015, in that it is proposed to carry out development in a manner that will prevent the construction of the indicative roadway, as passed by both Wexford Borough Council and Wexford Co. Co. in 2009.
- (vi) The proposed development appears to block / interfere with the use of a right of way claimed by CRH Plc through long usage. CRH Plc also claims to have transferred this right of way to successors in 2008. There is no evidence of the Applicant having obtained written consent to interfere with or block this claimed right of way from either CRH Plc or its successors (notwithstanding that the existence of the right of way is disputed by other parties).

- (vii) In general, the accompanying documents and e-mails from the Applicant and the Planning Authority in relation to this application are confusing, badly constructed and deficient in content, making a detailed and knowledgeable examination of elements of the application extremely difficult. For example, an e-mail relating to the application, dated December 17th 2014, from David Wall of the Planning Authority to Siobhan Fawsitt of the Planning Authority (both Wexford Co. Co.) is very confusing and neglects the Applicant's obligation to ensure that lay people / general public can easily interpret the intricacies of these aspects of the application.

The e-mail states:-

"Having reviewed the document titled "Natura Impact Statement", I am satisfied that it is a Stage 1 Screening Report and should be called thus.....it is not a Natura Impact Statement.....A Natura Impact Statement is not required".

- (viii) Requirement for Wexford Co. Co. to invoke Section 8 of the Planning and Development Act 2000, in circumstances where it is clear that there is a prima facie case, including largely uncontested documentary evidence of forgery, fraud and deceit in relation to title to lands, the subject of this application.

Many, if not all of the parties that could be expected to have information with regard to the land title anomalies have been asked to provide information and/or documentation that might assist in resolving the various anomalies but the various parties including the applicant (whom we have twice written to) have thus far declined to assist or clarify their respective positions.

[Additional Information below in italics]

These parties include:-

- *Mr. James A. Murphy, Ms. Fiona Daly, Ms. Suzanne Carthy of Huggard, Brennan, Murphy, Solicitors.*
- *Mr. John G. Murphy, Principle, John A. Sinnott & Co. Solicitors*
- *William Neville & Son's, apparent successors to CRH Plc in relation to certain lands at Park*
- *Mr. John Doyle (involved in the earlier land transactions)*
- *Mr. Brian Cleary (involved in the earlier land transactions)*
- *Mr. Nicky Keeling, Chairperson Faythe Harriers Hurling and Camogie Club*
- *Mr. William Murphy, Secretary Faythe Harriers Hurling and Camogie Club*
- *Detective Garda Alan Byrne, Wexford*
- *Superintendent Patrick Conlon, Wexford*
- *CRH Plc (denies the existence of documentation (including originals that CRH Plc senior executives have physically examined).*
- *Mr. Liam O'Neill President and Mr. Paraic Duffy, Director General GAA, albeit as recently as April 24th last.*

It should be said however, that the Local GAA Clubs involved in Pairc Charman, St. Mary's. Sarsfields and Volunteers together with several members of the Applicant Club have now inspected relevant documentation and have acknowledged the serious title anomalies.

In the unique circumstances of the present application, it appears that the applicant is quite simply not in a position to comply with Section 22 (1) (d) of Part 4 of the Planning Regulations, which state that the Applicant must *“state the legal interest of the applicant in the land or structure and, if the applicant is not the owner, state the name and address of the owner”*.

In these circumstances and in order to assuage potential exposure for Wexford Co. Co. going forward, we submit that, in the public interest, Section 8 (as above) be invoked by Wexford Co. Co (see below):-

“A local authority may, for any purpose arising in relation to its functions under this act or any other enactment, by notice in writing require the occupier of any structure or other land....to state in writing to the authority, particulars of the estate, interest, or right by virtue of which he or she occupies the structure or other land.....and the name and address (so far as they are known to him or her) of every person who to his or her knowledge has any estate or interest in, or right over, or in respect of, the structure or other land”.

Further Detail re Land Title anomalies:

In its application, the Applicant has described itself as owner of the lands which are the subject of the proposed development. However, on maps previously submitted (see planning application W2014009) by the Applicant, the Applicant describes itself as merely using these lands (***“Area used by Faythe Harriers”***). We submit that the latter is the more accurate description and that the *“Legal Interest in the Land”* should have been described on the application form as *“Occupier”*.

The Applicant has not therefore sought the consent of the legal owners of the former folios 21911, 9170 and 13209 in relation to the proposed development work nor has it offered any evidence of legal ownership of said lands, nor has it taken any steps to regularise its occupancy of same.

In addition to disputes arising in regard to land ownership involving the former folios 21911, 9170 and 13209, the proposed development appears to also encroach on folio 1618F. The ownership of folio 1618F is unclear. Whilst Wexford Co. Co. was recorded as the registered owner of this folio, it appears from documentation that has now come to light that ownership of this folio may have been ceded to CRH Plc. In any case, no consent for the proposed development appears to have been sought / obtained from either Wexford Co. Co. or CRH Plc.

Wexford Co. Co. is aware of the issues surrounding land ownership in the area. In the Council’s Notice under Section 183 of the Local Government Act 2001, dated September 9th 2003, the Council states that it is seeking ***“to regularise the situation which has arisen through complexities in establishing ownership of lands in the area”*** [Schedule 4 (b)].

As recently as December 7th 2011, acting Wexford County Manager, Mr. Adrian Doyle surreptitiously acknowledged that the lands at Park / Carcur (including lands, the subject of this application) were not owned by the G.A.A. [Schedule 4 (c)].

By letter dated January 15th 2004, Mr. Derry O’Sullivan, regional director of CRH Plc subsidiary, Roadstone Provinces, was seeking to have ***“ownership of land over which new alignment of roads traverse, addressed”*** [Schedule 4 (d)].

In further support of our request to invoke Section 8, we provide two document schedules:-

- Schedule 1: Sample documents with regard to Title anomalies.
- Schedule 2: Copies of three letters received from CRH Plc subsidiary Roadstone Wood, dated:
 - October 23rd 2013, January 14th 2014 & February 10th 2014.

In these letters CRH Plc inexplicably deny any knowledge of the 1976 contract of sale and associated documentation. However, documents in Schedule 1 clearly show the existence of the 1976 contract and that it was, in fact, the relevant contract as was the 1977 Deed of Transfer, which CRH Plc also denies knowledge of.

From all of the above, it is clear that this planning application is both incomplete, wholly inadequate and indeed invalid and therefore does not meet with the requirements of the Planning and Development Acts.

1.3

By way of further expansion on Section (viii) above, see Schedule 3 which contains the following documents:-

- a) Letter, January 23rd 2015, Seamus F. Maye [SFM] to Mr. James A. Murphy, Huggard, Brennan, Murphy, Solicitors [HBM]
- b) E-Mail, January 27th 2015, Fiona Daly of Huggard, Brennan, Murphy, Solicitors to SFM
- c) E-Mail, January 27th 2015, SFM to HBM Solicitors
- d) E-Mail, February 3rd 2015, SFM to Managing Partner & others at HBM, Solicitors
- e) Letter, January 22nd 2015, SFM to Mr. John G. Murphy, Principle, John A. Sinnott & Co, Solicitors to which no response has been received.

1.4

By way of further expansion on above section under "Further Detail re Land Title anomalies", see Schedule 4 which contains the following documents:-

- a) E-Mail Sequence, dated June 8th – 12th 2007, Kenneth Egan (Arthur Cox Sols) to B. Mackey (Malone O'Regan, Consulting Engineers, cc'd Ensor O'Connor Sols, Purcell Properties, Roadstone, Adrian Doyle (acting Co. Manager Wexford Co. Co.).
- b) Section 183 Submission, September 16th 2003.
- c) Letter, December 7th 2011, Adrian Doyle (Director of Services) to Cllr Padge Reck.
- d) Letter, January 15th 2004, Roadstone Provinces (Derry O'Sullivan to Mr. Eddie Breen, Wexford Co. Manager).

1.5

New Information contained in an article from Wexford People, dated Tuesday, March 3rd 2015 (See Copy enclosed Schedule 5 (a)).

Waste Development Acts 1996 (as amended, including Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations 2008):

We now highlight recent important information that has come to our attention through the public domain. We refer to an article published in the Wexford People last week, March 3rd 2015. [See Schedule 5 (a) attached].

The article refers to the proposed Club House (subject of the current Planning Application) and states that the development will be built on a former dump. We refer the Bórd to the present planning application (20141003) and specifically to Question 18:-

“Are you aware of previous uses of the site e.g. dumping or quarrying”? The answer submitted was “No”

Schedule 5 below further supports the basis under which the present application is invalid. There has previously been extensive quarrying and dumping in the area, including on some of the ground, the subject of this application, including the access road.

Schedule 5 contains the following documents:-

- a) Tuesday, March 3rd 2015, Wexford People Newspaper Article:- “Permission granted for Faythe Harriers Clubhouse”.
- b) Letter, October 13th 2009, Wexford Co. Co. Environment Section to Ms. Jacinta Somers. This letter points out that under Statutory Instrument S.I. 524 of the 2008 Regulations that the Local Authority is required to obtain a Certificate of Authorisation from the EPA for specific Closed Landfill such as Carcur (Park) Landfill.
- c) Letter, August 19th 2010, EPA to Ms. Jacinta Somers.
- d) Letter, September 14th 2011, Wexford Co. Co. to Ms. Jacinta Somers.
- e) April 2nd 2012, Acting Co. Manager Adrian Doyle to each Member of Borough Council.
- f) Licensing Notice – Landfill – Reg 7(5) –Extension Notification for Carcur License (H0002-01)

It is clear from this exchange that Wexford Co. Co. did not exercise sufficient care and attention when processing this application, in that the application contradicts available public information. Moreover, Wexford Co. Co. did not make an observation or reference with regard to the quarrying and dumping activities in the area, even though it was in the process of applying for a Certificate of Authorisation for the area.

The Co. Co. does not now or at the time that Application 20141003 was made, hold a Certificate of Authorisation (neither, for that matter did WCC hold a Certificate of Authorisation at the time the access road was constructed on the dump). Clearly, the planning application as submitted is misleading and in direct contradiction to the material published in the Newspaper. We respectfully submit that these are yet further grounds on which the Bórd should reject the planning authority’s decision and refuse this application.

Further Information:

By way of further background, we should once again, inform the Board that CRH Plc began negotiating with Wexford Co. Co. in relation to developing its lands (including, according to maps in our possession, the lands the subject of this application) as far back as May 2002 culminating in a contract being signed between CRH Estates and Wexford Co. Co. on June 25th 2007.

Throughout these prolonged negotiations, there was no consultation whatsoever with, or input from, the GAA / Faythe Harriers Hurling and Camogie Club, despite the "GAA / Somers Lands" being an integral part of the Park Action Area Development Plan. Further documentation in our possession indicates that CRH Plc and Wexford Co. Co. engaged in land swaps and financial transactions in relation to the lands at Park, including an agreement that Wexford Co. Co. would pay CRH Plc €2 million to construct a road that appears to traverse some of the disputed lands at Park, some of which are the subject of application 20141003 [see Schedule 4 (a)].

Request for Oral Hearing:

In order to assist An Bord Pleanala with its deliberations, we provide copies of various documentation under Schedules 1, 2, 3, 4 & 5. This documentation represents a sample of the documentation available in regard to the ownership history of these lands (the subject of this application). It will be clear from an examination of this documentation that Faythe Harriers Hurling and Camogie Club cannot be the legal owners of the land they themselves claim to be merely "using".

However, in order to clearly articulate the various points made above to An Bord Pleanala, we request an oral hearing to facilitate a full explanation of the environmental and land ownership issues arising and Wexford Co. Co.'s conflict of interest therein. We estimate that a full presentation will take up to three and a half hours from our side. **This in turn will enable us to clearly demonstrate to the Bord that the original application is invalid.**

Conclusion:

We have brought to ABP's attention a whole series of relevant issues under the Planning and Waste Acts together with inaccuracies and also provided compelling information with regard to the legal ownership of the lands, the subject of this application, including documentary evidence of forgery, deceit and fraud. We submit that on any / all of these grounds, An Bord Pleanala ought to uphold our appeal and overturn the decision of Wexford Co. Co.

We enclose €270 being the fee of €220 for the appeal and €50 application fee for oral hearing.

Sincerely,

Seamus F. Maye

Enclosures:

Schedules 1, 2, 3, 4, 5

Acknowledgement of Receipt of Submission or Observation on a Planning Application, January 28th 2015.